

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR 10 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In the Matter of |) | |
| |) | |
| Administration of the |) | CC Docket No. 92-237 |
| North American Numbering Plan |) | |
| Carrier Identification Codes |) | |
| (CICs) |) | |

COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc., on behalf of itself and its subsidiaries, hereby files Comments in response to the Public Notice released by the Commission on March 26, 1998 with regard to ex parte communications received from MCI Communications Corporation ("MCI")¹ and VarTec Telecom, Inc. ("VarTec")² relating to the intercept message to be used to inform callers of the change in dialing pattern due to the four-digit CIC conversion. The Public Notice specified that although other issues were raised by MCI and VarTec, their positions on the intercept message alone were to be addressed by parties submitting Comments in this instant proceeding. Despite MCI's allegation that there is an "impasse" with regard to the appropriate message to be utilized, the industry has reached a consensus. Because it was unable to convince the industry, including other

¹ Letter of Jonathan B. Sallet, Chief Policy Counsel, MCI Communications Corporation, to Richard Metzger, Chief of the Common Carrier Bureau, dated March 17, 1998 ("MCI Letter").

² Letter of James U. Troup and Robert H. Jackson, attorneys on behalf of VarTec Telecom, Inc., to Geraldine Matise, Chief of the Network Services Division of the Common Carrier Bureau, dated March 23, 1998 ("VarTec Letter").

IXCs, to support its position, MCI fabricated an industry-wide controversy where none exists to justify its placing of this matter before the Commission. The Commission should not condone such a blatant circumvention by superseding the consensus agreement. In relation to the VarTec³ and MCI demand that the use of Standard Information Tones ("SITs") be prohibited, SBC would encourage the Commission to abstain from taking any action, which would result in a costly conversion delay, on the basis of mere speculation.

I. CONTRARY TO MCI'S REPRESENTATIONS TO THE COMMISSION, A CONSENSUS HAS BEEN REACHED REGARDING THE STANDARD INTERCEPT MESSAGE.

MCI acknowledges that it and other industry entities participated in the process to develop a standard intercept message through the auspices of the Network Interconnection and Interoperability Forum ("NIIF"). It also agrees that at the February meeting of this group, the text for this message was adopted.⁴ However, it infers that somehow, in some way, the LECs overrode the participation of the IXCs and other industry participants and, for anticompetitive reasons, prevailed upon these entities to accept verbiage which differed from MCI's "superior" version.⁵

³ SBC is in the process of implementing the standard intercept message text sought by VarTec. For this reason, SBC will not comment upon VarTec's proposal to require utilization of the standard message other than to agree with its characterization that "[a]fter several discussions during which contributions were submitted and alternative language proposed, the NIIF reached consensus on a standard intercept message." VarTec Letter, p. 3.

⁴ MCI Letter, p.3.

⁵ MCI Letter, p. 3-4.

Given such a fantastical representation, SBC is compelled to state the true facts for the record. On February 11, 1998, after due consideration of MCI's position and the views of other industry participants, NIIF reached consensus on Issue 078 regarding the text of the intercept announcement. Indeed, other IXC's, including AT&T, WorldCom, and Sprint supported the text adopted by consensus⁶. It is inconceivable that IXC's of this sophistication and experience could be led into accepting a message that, in MCI's eyes, is intended by the LECs to". . . discourage consumers from accessing IXC services using 3-digit CICs."⁷ Rather, it is apparent that MCI, unable to convince a majority of the forum's participants as to the alleged rightness of its cause, is now seeking to circumvent the process endorsed by the Commission to resolve this issue.⁸ Through the NIIF, the LECs and IXC's, with one notable exception, have conferred and reached an agreement. There is no need for the Commission to intercede.

Since the adoption of this text, SBC has diligently worked to meet the Commission's June 30 1998 deadline. It has expended significant manhours and monies to accomplish this goal. To supersede the industry consensus because of the demands of one disgruntled party, would jeopardize this process and place a timely conversion at risk.

⁶ Under the NIIF process, a "consensus" is established when an agreement is reached among the participant interest groups. Such an agreement is supported by more than a simple majority but is not necessarily unanimous.

⁷ MCI Letter, p.4.

⁸ In the Matter of Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), CC Docket No. 92-237, Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking, (Released October 22, 1997) ("Reconsideration Order"), Paragraph 26.

For these reasons, SBC urges the Commission to confirm the result reached by NIIF and reject MCI's proposal.

II. WHETHER TO PRECEDE THE INTERCEPT MESSAGE WITH A SPECIAL INFORMATION TONE (SIT) SHOULD BE A DETERMINATION OF THE INDIVIDUAL CARRIER.

In its Reconsideration Order, the Commission recognized that generally, ". . . individual carriers are responsible for educating their customers about changes necessitated by the transition to four-digit CICs and they should be free to decide how best to do so."⁹ The only obligation imposed by the Commission in this regard was for the LECs to consult with the IXC's to reach a consensus on the content of the message and the period of time during which the message was to be provided.¹⁰ A SIT is an industry standard tone in use today which precedes network-provided announcements to allow automated devices to distinguish between "live" traffic and recorded network messages. Automated devices rely upon these machine detectable signals in order to function properly.

VarTec's concern that a caller will disconnect a call following the SIT to avoid having to listen to a recorded message is mere speculation¹¹ Although MCI claims to have conducted research demonstrating that a "high number" of callers terminate calls upon hearing a SIT, it does not include this study in its submission to the Commission.¹²

⁹ Reconsideration Order, Paragraph 26.

¹⁰ Id.

¹¹ VarTec Letter, p.5.

¹² MCI Letter, p. 4.

For this reason, SBC and other Commenters are foreclosed from assessing the study's credibility. MCI's assertions should not be considered by the Commission unless parties are given the opportunity to analyze the MCI study.¹³ Until it is proven that the SIT interferes with customer education and that the "devastation" envisioned by MCI is a fact and not an overblown conjecture, it is premature to require a carrier to go to the expense and difficulty of altering an ingrained network component. While the possible problems which might be encountered with the use of a SIT are speculative,¹⁴ the harm that would be inflicted on the conversion process if a prohibition is imposed is very real.

III. CONCLUSION

SBC encourages the Commission to defer to the industry consensus which has been achieved with regard to the intercept message text. MCI's attempt to create a controversy simply because it and a small minority of carriers differ from the rest of the industry should not be given credence. To supersede the industry consensus would repudiate the conciliatory process endorsed by the Commission. Moreover, it would encourage individual disgruntled parties in the future to run to the Commission when they disagree with the industry majority. SBC also urges the Commission to restate its

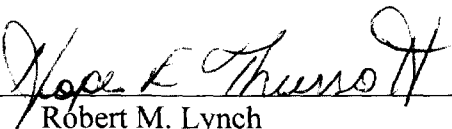
¹³ Indeed, it would be interesting to conduct a study as to how many callers terminate a call simply upon receiving a recorded message without the SIT and whether such numbers differ from those ascribed to terminations with the SIT.

¹⁴ While the use of SIT may or may not impede consumer education, the continued national advertising of 3-digit CICs, without reference to the impending conversion, by certain IXC's clearly undercuts the local carriers' educational efforts. This advertising will lead to customer confusion and frustration upon the June conversion date, resulting in a flood of calls to local service providers. If Commission involvement is warranted, it should be to put a halt to IXC advertising which hinders the education of the consumer.

previous, well-founded conclusion that a carrier's method for educating its customers should be left to the discretion of the carrier and allow those carriers that would utilize SIT to continue to do so in this context.

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ON ITS BEHALF AND ON BEHALF
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CERTIFICATE OF SERVICE

I, Kathy A. Moody, hereby certify that "Comments of SBC Communications, Inc." in CC Docket No. 92-237 have been served on April 10, 1998, to the Parties of Record.


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